

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1718 - SB 1944

February 6, 2014

**SUMMARY OF BILL:** Creates a new Class E felony for knowingly spying upon, observing, or otherwise viewing a minor at least five years younger than the defendant.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$3,200/Incarceration\***

Assumptions:

- Observing someone without consent is a Class A misdemeanor. The proposed legislation creates a new Class E felony if the subject of the observation is a minor at least five years younger than the defendant.
- According to the Administrative Office of the Courts, there have been no convictions for observing without consent in the last five years. It is assumed that the proposed legislation will result in one Class E felony admission every 10 years.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2014 is \$66.29.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- A recidivism discount of 32.03 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- The average time served for a Class E felony is 1.31 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every 10 years serving 1.31 years (478.48 days) for an annualized total of \$3,171.84  $[(\$64.17 \times 478.48 \text{ days}) / 10]$ .
- It is assumed that the courts, district attorneys, and public defenders can handle one additional felony case every 10 years within their existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm